

DEC 08 2004



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## FACSIMILE TRANSMITTAL SHEET

**TO:** Examiner Joseph M. Pelham – Group Art Unit: 3742

**FIRM/COMPANY:** U.S. Patent and Trademark Office

**FACSIMILE NUMBER:** 703.872.9306

**CONFIRMATION TELEPHONE:** 703.308.0858 (Receptionist) or  
703.308.1709 (Examiner)

**FROM:** Anne Marie Leavy for Edward J. Lynch

**DIRECT DIAL:** 415.371.2217

**DATE:** December 8, 2004

**USER NUMBER:** 5121

**FILE NUMBER:** Docket No. R0367-01601

**TOTAL # OF PAGES:** 7  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached is a Second Preliminary Amendment in connection with patent application Serial No. 10/658,911, filed September 10, 2003.

*Please confirm receipt of this facsimile.*

NOTE: Original will NOT follow

CONFIDENTIALITY NOTICE

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*For: **TISSUE SITE MARKERS FOR IN VIVO  
IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

) Prior Application Examiner:

) J. Pelham

) Prior Application Group Art

) Unit: 3742

) **TRANSMITTAL**

## CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9306, addressed to Prior Application Examiner J. Pelham, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004, in San Francisco, CA.

Anne Marie Levy

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is an Second Preliminary Amendment.

2. Claim Fee Calculation

☒ No additional claim fee is required.  
☐ Amendment increases number of claims or multiple dependencies.

## Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	3 - 3 =	0 x	\$44=	\$ 0
Total Claims	2202	15 - 20 =	0 x	\$9=	\$ 0

Total Fees Due.....\$-0-

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of \_\_\_\_.  
☒ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01601.

By: \_\_\_\_\_

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.For: **TISSUE SITE MARKERS FOR  
IN VIVO IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Docket No.: R0367.01601

) Prior Application Examiner: J. Pelham

) Prior Application Group Art Unit: 3742

) **SECOND PRELIMINARY AMENDMENT**

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I hereby certify that this these papers are being sent by facsimile to (703) 871-9306, addressed to Prior Application Examiner J. Pelham,  
at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004, in San Francisco, CA.

  
Anne Marie LearyCommissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please amend the above-identified application before examination as indicated  
below: